

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re REFCO, INC. SECURITIES LITIGATION

No. 07-md-1902 (JSR)

This Document Relates to:

KENNETH M. KRYS et al.,

Plaintiffs,

-against-

SCHULTE ROTH & ZABEL LLP,

Defendant.

No. 11-cv-1486 (JSR)

NOTICE OF MOTION

**ORAL ARGUMENT
REQUESTED**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint, dated May 4, 2011, the Declaration of Scott S. Balber, dated May 4, 2011, and the exhibits thereto, and upon all the prior pleadings and proceedings had herein, defendant Schulte Roth & Zabel LLP will move this Court before the Honorable Jed S. Rakoff, U.S.D.J., at the United States Courthouse located at 500 Pearl Street, New York, New York, on June 14, 2011, at 4:30 PM, or as soon thereafter as counsel may be heard, for an order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiffs' Complaint in its entirety, with prejudice, on the ground that the Complaint fails to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that, pursuant to the April 14, 2011 order of this Court, answering papers, if any, must be served on the undersigned no later than May 25, 2011.

Dated: New York, New York
May 4, 2011

CHADBOURNE & PARKE LLP

By /s Scott S. Balber
Scott S. Balber
A Member of the Firm
Attorneys for Defendant
30 Rockefeller Plaza
New York, NY 10112
(212) 408-5100
sbalber@chadbourne.com

TO: David J. Molton
Andrew Dash
BROWN RUDNICK LLP
Seven Times Square
New York, New York 10036
(212) 209-4800

Leo R. Beus
BEUS GILBERT PLLC
4800 North Scottsdale Road, Suite 6000
Scottsdale, Arizona 85251
(480) 429-3000

Attorneys for Plaintiffs